

REMARKS

A "Request for Continued Examination" of this application is filed concurrently herewith, in accordance with the undertaking by Applicant's attorney during the telephone interview with the Examiner on January 4, 2005.

The foregoing amendments restrict the scope of Claims 1 and 2 to articles used outside the home, in public or business settings. New Claims 3 and 4 further restrict the scope of the claims to a Markush Group of specific articles disclosed in the Specification.

No new matter is inserted in the claims. Express support for the members of the Markush Group is found at page 4, first paragraph, and in Figs. 1-6 and the accompanying drawing explanatory text at pages 4-5.

The amendment to the Specification, in the "Definitions" on page 4 merely recites the usual usages of the various specifically disclosed items, namely, that they are used "outside the home." It is respectfully urged that this clarification does not insert new matter. It is notoriously known that purses, handbags, attache cases, briefcases, book covers, backpacks and the like are intended for use and are typically used outside the home in public or business settings.

The Rejections

Claim 1, both as originally filed and as first amended, was rejected under 35 USC §102 as anticipated by the Zegerra reference. Claim 2, both as originally filed and as first amended was rejected as unpatentable under 35 USC §103 over ZEGARRA and on official notice of the well-known use of flash cards.

The Zegerra Reference

The gravamen of ZEGARRA is the provision of a “cover” for articles, especially cereal boxes, **and specifically items found in the home**. (Col 2, lines 62-64). The final paragraph of the ZEGARRA specification contemplates that the “support” can be other than a cereal box, but clearly suggests that the “support” should be something that is present at “the scene of daily family gatherings or at least daily meetings of parents and children.” (Col 9, line 36 *et seq.*).

Argument

ZEGARRA fails to suggest and in fact teaches squarely away from providing the “cover” for articles used outside the home, in public or business settings. Instead, the entire tenor of ZEGARRA is that supporting objects should be those found in the home:

In the field of education, much study and learning of information is ... done in the home.

* * *

Meals are another activity commonly combined with study and learning, and in fact the tradition of informing oneself by reading the daily newspaper at breakfast is time-honored.

* * *

What is further needed is such a method and supporting device that can be used with common, everyday objects encountered in the home and in particular locations in the home where students and others regularly gather.

* * *

Thus the present invention provides a solution to the scarcity of time for study, and especially for assisted study by parents of children, in modern life, by providing a device and method for using meal times, particularly the breakfast “hour” for such study.

* * *

There is, for example, no necessity to limit oneself to breakfast cereal boxes as a support for the device, even though that is one very common item that can be used and is particularly apt since it is present at what is often the scene of daily family gatherings or at least daily meetings of parents and children.

Thus, ZEGARRA would hardly suggest and, in fact, teaches clearly away from using an article as the “support” that is deliberately designed to be carried and used outside the home, in public or business settings.

The claims and the specification have been further amended to more clearly point out and distinctly claim Applicant's claimed invention as directed to use of an article used outside the home in public or business settings. The method claim, Claim 2, is similarly amended to cover only the use in the claimed method of the apparatus as defined in Claim 1. Neither ZEGARRA nor the notorious use of flash cards or the combination of this art makes the method of Claim 2 "obvious" within the meaning of 35 USC §103.

REQUEST FOR RECONSIDERATION

Reconsideration of the rejections set forth in the Office Action of December 13, 2004, is respectfully requested in view of the foregoing amendments and remarks.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W.H. Drummond', with a long horizontal flourish extending to the right.

William H. Drummond
Attorney for Applicant